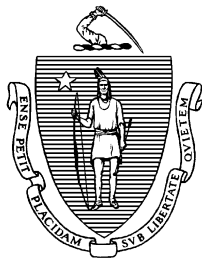


The Commonwealth of Massachusetts

**Executive Office
for
Administration & Finance**



Division of Capital Asset Management & Maintenance

**REQUEST FOR BIDS from Prequalified Trade Contractors
Construction Manager at Risk Project – M.G.L. c.149A, §8**

TRADE BIDS REQUESTED AT THIS TIME:

- (first trade)
- (second trade)
- (third trade, etc.)

Massachusetts State Project: (number, name & location)

Bid Submission Deadline: (DATE) at 12:00 PM

Submit Bids Online: DCAMM E-Bid Room

<https://www.bidexpress.com/businesses/10279/home>

Issued: (date)

REQUEST FOR BIDS INDEX

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Part One - Instructions for Prequalified Trade Contractor Bidders

Section 1 - PROJECT INFORMATION

1.1 Project Specific Information and Dates

Awarding Authority: Division of Capital Asset Management & Maintenance
One Ashburton Place, 1st Floor, Bid Room
Boston, MA 02108
(617) 727-4003
bidroom.dcammm@state.ma.us

Project No.: [Insert Project No.]

Project Name: [Insert Project Name]

Project Location: [Insert Project Location]

Project Description: [Insert Brief Project Description]

Trade Contractor Pre-Bid Meeting (if applicable): [Insert Date] [Insert Time] [Insert Location]

Optional Site Visit (if applicable): [Insert Date] [Insert Time] [Insert Location]

Submission Deadline:

(For submission of Bid Packets in response to this Request for Bids)

Date: [Insert Date]

Time: 12:00 pm (noon)

Submission Bids: **DCAMM E-BID ROOM**

<https://www.bidexpress.com/businesses/10279/home>

Estimated Total Project Construction Cost: \$[Insert Amount]

(Estimated Trade Package Costs Appear on Page 5)

Estimated Project Duration for Overall Project: [Insert Days/Weeks From Notice to Proceed]

Anticipated Project Construction Completion: [Insert Season and Year]

Construction Manager at Risk: [Insert Firm Name]

DCAMM Project Manager [Insert Name]

Project Architect: [Insert Firm Name]

***** **IMPORTANT NOTICE** *****

Participation in the RFB Bidding Phase of this Project is limited to ONLY those Trade Contractor firms that submitted a SOQ (and required supporting documentation) in response to a previously issued RFQ for this project and that have been deemed prequalified by DCAMM.

Trade Contractors that failed to respond to the prior *RFQ* and submit a *SOQ* with the required supporting documentation by the Submission Deadline and Trade Contractors that have not been deemed prequalified by DCAM are not eligible to bid on this Project and bids will not be solicited from or accepted from such firms at this time.

***** **IMPORTANT NOTICE** *****

1.2 Introduction

The project delivery method for construction of this project will be public CM at Risk with a Guaranteed Maximum Price (“GMP”) under M.G.L. Chapter 149A. This Request for Bids (“RFB”) is the second phase of a two-phase procurement process as set forth in MGL Chapter 149A. In the first phase of this procurement DCAMM, through its Trade Contractor Prequalification Committee, prequalified firms interested in providing public Trade Contractor services on this Public Construction Manager at Risk (“CM” or “CM at Risk”) project through a prior Request for Qualifications (“RFQ”) process. As part of the prior RFQ process DCAMM evaluated submitted Statements of Qualifications (“SOQs”) and only those firms obtaining the required minimum points were deemed prequalified. Only those respondents deemed prequalified in Phase One are now permitted to submit a bid in response to this Request for Bids (“RFB”). A list of those firms that, as of the date of this Request for Bids, have been determined to be prequalified for the trades listed and are therefore permitted to submit bids on this Project is attached as Exhibit D.

1.3 Detailed Project Description

The project involves the construction of a
(project description inserted here)

1.4 Categories of Trade Bids Requested

This RFB requests that prequalified Trade Contractor firms in the categories of work listed on the cover page and in the below table submit bids on the Project at this time. On DCAMM CM at Risk Projects Trade Contractors in the various trades are requested to submit their bids on a trade by trade basis, in phases, in groups of trades, or all at once depending on the project needs and phasing. At this time DCAMM requests bids from the particular trades requested, bids from other trades will be solicited in a staggered manner as the project progresses.

The selected Trade Contractors on this CM at Risk project are required by law to provide payment and performance bonds for the full value of their subcontracts and Trade Contractors must include the cost of the required payment and performance bonds in their bid price.

See "X" Below For ALL Trades Being Bid (at this time)	Section #	Trade Category	Estimated Construction Cost For Trades Bid	MBE/WBE Goal For Identified Trades	
				MBE	WBE
<input type="checkbox"/>	040001	Masonry			
<input type="checkbox"/>	050001	Miscellaneous and Ornamental Iron			
<input type="checkbox"/>	070001	Waterproofing, Dampproofing and Caulking			
<input type="checkbox"/>	070002	Roofing and Flashing			
<input type="checkbox"/>	080001	Metal Windows			
<input type="checkbox"/>	080002	Glass and Glazing			
<input type="checkbox"/>	090001	Lathing and Plastering			
<input type="checkbox"/>	090002	Tile			
<input type="checkbox"/>	090003	Acoustical Tile			
<input type="checkbox"/>	090004	Marble			
<input type="checkbox"/>	090005	Resilient Floors			
<input type="checkbox"/>	090006	Terrazzo			
<input type="checkbox"/>	090007	Painting			
<input type="checkbox"/>	140001	Elevators			
<input type="checkbox"/>	210001	Fire Protection Sprinkler System			
<input type="checkbox"/>	220001	Plumbing			
<input type="checkbox"/>	230001	Heating, Ventilation & Air-Conditioning			
<input type="checkbox"/>	260001	Electrical			
<input type="checkbox"/>	(Sec. #)	Other Designated Trade Categories (if any)			

A Project Schedule indicating the planned sequence and duration of the Trade Category scopes of work for which Bids are requested at this time is attached as Exhibit E.

Bid documents for this project, including plans and specifications, may be accessed, reviewed or downloaded at no cost to potential bidders through DCAMM's E-Bid Room <https://www.bidexpress.com/businesses/10279/home> Hard copy bid documents are not available for potential bidders but one hard copy set is available for viewing in DCAMM Bid Room during normal business hours.

In order to access bid documents through DCAMM's E-Bid Room potential bidders must first complete the process of being verified by DCAMM's Bid Room and registered with the E-Bid Room vendor, Bid Express. Instructions on the DCAMM Verification and vendor registration process can be found on DCAMM's website www.mass.gov/dcamm/bids.

1.5 Certain Project Requirements

The project is subject to the minimum wage rates set under the Massachusetts Prevailing Wage Laws. **The minimum wage rate requirements for this Contract are located in Exhibit A to these Instructions for Prequalified Trade Contractor Bidders.**

The Minority Business Enterprise and Women Business Enterprise (MBE/WBE) participation goal for this Contract is a combined goal of 10.4 %.

The combined goal requires a reasonable representation of both MBE and WBE firm participation on the project as further set forth in Section 8 below and in the Owner-CM Agreement and the General Conditions of the Contract.

The following Trades have Trade Contractor MBE/WBE Goals as set forth on the chart on the preceding page. Trade Contractors must be aware of their obligation to meet these goals. (see Sec. 8 for additional information): *Not applicable*.

The applicable minority workforce utilization percentage, if any, is 15.3%

The applicable women workforce utilization percentage, if any, is 6.9 %

The Commonwealth encourages and monitors the participation of Service-Disabled Veteran-Owned Business Enterprises ("SDVOBE") and Veteran Business Enterprises ("VBE") on its construction projects. The benchmark for SDVOBE and VBE participation on the project is 3%.

The time for completion of the Work is specified in Article 2 of the Owner - Contractor Agreement. Liquidated damages for failure to complete work on time are as stated in Article 4 of the Owner – Construction Manager Agreement.

As stated above, Trade Contractors on this CM at Risk project are required by law to provide payment and performance bonds for the full value of their Trade Contracts and Trade Contractors must include the full cost of the required payment and performance bonds in the bid price they submit in response to this RFB.

DCAMM uses PMAS/PROLOG project management system for its projects and the selected Trade Contractors may be required to utilize the system for project communication, tracking, etc.

Pursuant to M.G.L. c. 30, §39S(a)(2) all employees to be employed on the Project must have successfully completed a course in construction safety and health approved by OSHA and of at least 10 hours in duration. All contractors, subcontractors and sub-subcontractors are required by DCAMM CM at Risk Trade Contractor Request for Bids (template rev 5/17)

(Insert Project Number/Name)

law to submit evidence of completion of such training for each employee working on the Project as part of their regular certified payroll submissions.

All Trade Contractors on the Project and their sub-subcontractors will also be required to provide written verification of compliance with Federal Department of Homeland Security Requirements, including but not limited to the Employment Eligibility Verification (Form I-9) Process.

1.6 If indicated above, a pre-bid meeting and/or a site visit for the Project will take place at the time and location stated.

1.7 As used herein, capitalized terms shall have the meaning assigned to them in the General Conditions of the Contract and the Owner - Contractor Agreement unless the context clearly indicates otherwise.

SECTION 2 - BIDDER'S REPRESENTATION

2.1 Each Trade Contractor (hereinafter sometimes referred to as "Trade Contractor" or "Bidder") by making or submitting a bid (hereinafter sometimes referred to as "Bid") represents and warrants that Bidder has visited and examined the Site and the Contract Documents, that Bidder is familiar with the local conditions under which the Work is to be performed, that Bidder has correlated personal observations with the requirements of the Contract Documents, and that where the Contract Documents require, in any part of the Work, a given result to be produced, the Contract Documents are adequate and that Bidder will produce the required result within the Bid price and that the Bid is made in accordance therewith.

2.2 Failure to so examine the Contract Documents and the Site will not relieve any Bidder from any obligation under the Bid as submitted. Neither the Commonwealth nor the Designer will be responsible for errors, omissions and/or charges for extra work arising from Bidder's failure to familiarize itself with the Contract Documents or existing conditions.

SECTION 3 - TRADE CONTRACTORS CERTIFICATE OF ELIGIBILITY AND SUB-BIDDER UPDATE STATEMENT

3.1 Every Trade Contractor must submit the following with each bid:

A. A Certificate of Eligibility issued by the Division of Capital Asset Management and Maintenance ("DCAMM") showing that the Trade Contractor is currently certified in that trade and is eligible to bid on projects in the category of work in which the Bid is being submitted.

B. A fully completed Sub-Bidder Update Statement on DCAMM's current Sub-Bidder Update Statement form.

3.2 It is the Trade Contractor's responsibility to obtain the necessary forms from DCAMM and to submit its Application for Sub-bidder Certificate of Eligibility so as to allow sufficient time for DCAMM's evaluation of the application and issuance of a Sub-Bidder Certificate of Eligibility prior to the deadline for bidding.

3.3 Certification

Respondent Trade Contractors must be certified by DCAMM as a filed sub-bidder in the trade for which they were prequalified and for which they seek to submit a bid. Each Trade Contractor must submit a copy of the firm's currently valid DCAMM Sub-bidder Certificate of Eligibility with its Bid. Note, however, that a joint venture team must be certified in the specific trade(s) that it is seeking to Bid for this Project in the name of the joint venture and must submit a Sub-bidder Certificate of Eligibility in the name of the joint venture for each such Trade with its Bid.

For certification forms and additional information see DCAMM's web site:

www.mass.gov/dcam/certification

Or contact the Certification Office at:
DCAMM Contractor Certification Office
One Ashburton Place,
Boston, Massachusetts 02108
Telephone Number (617) 727-4050 ext. 31415

3.4 Update Statement

Interested Trade Contractors must provide a current and completed Sub-bidder Update Statement prepared by the interested Trade Contractor. If a respondent to the RFB is a joint venture then: i) each party to the joint venture must be certified by DCAMM and each must submit its own signed update statement (Form CQ3) as part of its Bid, and; ii) the joint venture must be certified by DCAMM in the Trade category of for which it is submitting a Bid.

For the Sub-bidder Update Statement Form and additional information see DCAMM's web site:

www.mass.gov/dcam/certification

Or contact the Certification Office at the address above:

3.5 The Sub-Bidder Update Statement is not a public record as defined in M.G.L. c. 4, §7 and will not be open to public inspection.

SECTION 4 - REQUESTS FOR INTERPRETATION

4.1 Any questions by prospective Bidders concerning interpretation of the Contract Documents must be submitted in writing to the Awarding Authority and must be in its possession at least seven (7) working days before the date set for the receipt of Trade Contractor Bids. The Awarding Authority will post to DCAMM's E-Bid Room any addenda or written interpretations that it deems necessary to Bidders who have downloaded bid documents before the date set for the receipt of affected Bids. Bidders may not rely upon oral communications or interpretations from the Awarding Authority or the Designer and the Awarding Authority shall not be bound by them.

4.2 It is the sole responsibility of the Bidder to ascertain the existence of any addenda issued by the Awarding Authority, whether or not the same are received by the Bidder. Copies of addenda will be made available on the E-Bid Room and for inspection at the DCAMM Bid Room.

4.3 Wherever in the Contract Documents reference is made to Massachusetts General Laws, it shall be construed to include all amendments thereto effective as of the date of the issuance of the Request for Bids on the proposed work.

SECTION 5 - PREPARATION OF BIDS; ALTERNATES

5.1 The Trade Contractor Form of Bid must be accessed through DCAMM's E-Bid Room and must be completed in their entirety on-line with the bidder scanning and attaching its: 1) Sub-Bidder Certificate of Eligibility; 2) Sub-Bidder Update Statement; and 3) Bid Bond.

5.2 All Trade Contractors must include in their Bid price the cost of providing payment and performance bonds in the full amount of their Bid; alternates should include the cost of such bonds for the alternate work. All Trade Contractors awarded contracts on this Project are required by law to provide full payment and performance bonds at their own expense prior to the execution of their contract with the CM at Risk. Bonds must be issued by a surety company licensed to do business in the Commonwealth and whose name appears on United States Treasury Department Circular 570.

5.3 Where so indicated on the Bid form, sums shall be expressed in both words and numerals. Where there is a discrepancy between the Bid sum expressed in words and the Bid sum expressed in figures, the Bid sum expressed in words shall control unless the intention of the Bidder clearly is otherwise as determined by the Awarding Authority in its sole discretion.

5.4 Each Bidder shall acknowledge all required alternates in Section B on the Trade Contractor Form of Bid by entering the dollar amount of addition or subtraction necessitated **only** for those alternates expressly identified in the Bid Documents as part of that Bidder's category of work. If the alternate is not identified in the Bid Documents as affecting that Trade Contractor's category of work, then the Bidder shall so indicate by writing "N/A" and only "N/A" or leaving the alternate blank.

5.5 If an alternate includes work within the Bidder's scope of work and does not involve a change in the cost of the Bid, the Bidder shall so indicate by writing "No Change" or "N/C" or "0" in the space provided for that alternate. Trade Contractors shall enter on the Bid Form the amount of addition or subtraction necessitated only for those alternates specifically identified as part of the Bidder's scope of work.

5.6 The lowest Bidder will be determined on the basis of the sum of the base Bid and the accepted alternates.

5.7 Trade Contractors should not list Paragraph E sub-subcontractors unless expressly requested to do so by the Awarding Authority in the Contract Documents.

5.8 All Bidders must scan and attach their bid bond with their electronic bid submission. The three lowest Bidders must submit their original bid bond or bank check to DCAMM immediately following the bid opening and must be received within 48 hours of the bid opening, weekends and holidays excluded. Failure to submit originals within the 48 hour time limit will result in rejection of the bid or other sanctions. The bid bond shall be (a) in a form satisfactory to the Awarding Authority, (b) with a surety company qualified to do business in the Commonwealth and listed on U.S. Treasury Department Circular 570, and (c) conditioned upon the faithful performance by the principal of the agreements contained in the Bid.

5.9 The amount of such bid deposit shall be **5% five per cent** of the value of the Bid including all alternates.

SECTION 6 - SUBMISSION OF BIDS

6.1 Each Trade Contractor Bid, **including the bid deposit, DCAMM Sub-Bidder Certificate of Eligibility and properly completed DCAMM Sub-Bidder Update Statement**, using the most recent form available on DCAMM's website, shall be submitted through DCAMM's E-Bid Room.

6.2 Bidders attention is directed to the Addendum History Schedule that precedes the Trade Contractor Bid Form. Bidders must acknowledge any and all addenda numbered and/or dated later than the last addenda noted on the Addendum History Schedule. Failure to do so may result in rejection of the bid.

6.3 All Bids must be received by the Awarding Authority through DCAMM's E-Bid Room no later than the applicable date and time specified on page 1 of these Instructions for Prequalified Trade Contractor Bidders. Any Bid not received by the applicable deadline will not be accepted.

6.4 **Unofficial Bid Results will be posted on DCAMM's E-Bid Room as soon as they are available. Unofficial results are not to be relied upon. Once DCAMM has conducted the final review of Bids, Official Bid Results will be posted. Official Bid Results may be subject to change.**

SECTION 7 - WITHDRAWAL OF BIDS; REJECTION OF BIDS

7.1 Any Bid may be withdrawn or modified by the Bidder prior to the specified deadline for the receipt of Bids through DCAMM's E-Bid Room.

7.2 A Bidder may withdraw its Bid without penalty at any time up to the time of Award as defined below in subsection 9.1 only upon demonstrating to the satisfaction of the Awarding Authority that a death or disability has occurred or a bona fide clerical or mechanical error of a substantial nature was made during the preparation of the bid. Failure to demonstrate conclusively that a bona fide clerical or mechanical error of a substantial nature was made will result in forfeiture of the Bid deposit.

7.3 The Awarding Authority reserves the right to waive any informality in or to reject any and all Bids if it is in the public interest to do so. Without limiting the foregoing, the Awarding Authority reserves the right to reject unit prices which it deems unduly high or unduly low as unbalanced.

SECTION 8 - MBE AND WBE PARTICIPATION

8.1 If these Instructions to Bidders expressly require MBE/WBE participation by Trade Contractors in certain or all trades, then the apparent low Trade Contractor Bidder's compliance with the requirements of this Section 8 is a prerequisite for receiving the Award of the Contract.

8.2 The MBE and WBE participation goals for the overall Project and individual Trades are as set forth in sections 1.4 and 1.5 of these Instructions to Bidders. If the Trade Contractors are required to provide MBE/WBE participation on this Project, the applicable participation goals will be set forth in the chart at section 1.4 of these Instructions to Bidders. The Awarding Authority reserves the right to reduce or waive the MBE or WBE participation goals established for this Contract upon written request made by a Trade Contractor Bidder within the time frame set forth in Section 8.3. Such written request must demonstrate to the satisfaction of the Awarding Authority that it is not feasible for a non-MBE or non-WBE general Bidder to meet the goals established for this Contract based upon any or all of the following: (i) actual M/WBE availability, (ii) the geographic location of the project to the extent related to M/WBE availability, (iii) the scope of the work, (iv) the percentage of work available for subcontracting to M/WBEs and/or (v) other relevant factors, including a **documented** inability by the prospective Bidder to obtain commitments from M/WBE subcontractors sufficient to meet the M/WBE goals after having made a diligent, good faith effort to do so. All of the foregoing documentation shall accompany the Bidder's request for a reduction or waiver of the M/WBE participation goals. Such documentation shall include, at a minimum, the following:

- A list of all items of work under the Contract that the Bidder made available for subcontracting to M/WBEs. The Bidder shall identify all items of work that the Bidder did not make so available and shall state the reasons for not making such work available for subcontracting to M/WBEs. The Bidder shall also demonstrate that, where commercially reasonable, subcontracts were divided into units capable of being performed by M/WBEs.
- Evidence that the Bidder sent written notices soliciting Bids or proposals to perform the items of work made available by the Bidder for subcontracting to M/WBEs to all M/WBEs qualified to perform such work. The Bidder shall identify (i) each M/WBE solicited, and (ii) each M/WBE listed in the Massachusetts Supplier Diversity Office (SDO) directory under the applicable trade category that was not solicited and reasons therefor. The Bidder shall also state the dates that notices were mailed and provide a copy of the written notice(s) sent.
- Evidence that the Bidder made reasonable efforts to follow up the written notices sent to M/WBEs with telephone calls or personal visits in order to determine with certainty whether the M/WBEs were interested in performing the work. Phone logs or other documentation must be submitted.
- A statement of the response received from each M/WBE solicited, including the reason for rejecting any M/WBE who submitted a bid or proposal.
- Evidence of efforts made to assist M/WBEs that needed assistance in obtaining bonding or insurance, or lines of credit with suppliers if the inability of M/WBEs to obtain bonding, insurance, or lines of credit is the reason given for the Bidder's inability to meet the M/WBE goals.

The Bidder may also submit any other information supporting its request for a waiver or reduction in the M/WBE participation goals, including without limitation evidence that the Bidder placed advertisements in appropriate media and trade association publications announcing the Bidder's interest in obtaining bids or proposals from M/WBEs, and/or sent written notification to M/WBE economic development assistance agencies, trade groups and other organizations notifying them of the Contract and the work to be subcontracted by the Bidder to M/WBEs. The Bidder shall also submit any other information reasonably requested by the Awarding Authority to show that the Bidder has taken all actions that could reasonably be expected to achieve the M/WBE participation goals.

8.3 Requests from prospective Trade Contractor Bidders to reduce or waive the M/WBE participation goals for their trade no later than ten (10) business days before the date set for the receipt of bids. **THE AWARDING AUTHORITY WILL NOT CONSIDER ANY REQUEST TO REDUCE OR WAIVE THE M/WBE PARTICIPATION GOALS FOR THIS CONTRACT THAT IS RECEIVED AFTER THESE DEADLINES.** Any reduction or waiver of the M/WBE participation goals for this Contract will be made by written addendum mailed to all persons who have taken out plans for the project.

8.4 No later than ten (10) working days after the opening of Trade Contractor Bids, the apparent low Bidder shall submit the following documents to the Awarding Authority's Compliance Office and the CM at Risk: (i) a completed Schedule for Participation by Minority/Women Business Enterprises ("Schedule for Participation") in the form provided by the Awarding Authority showing M/ WBE participation in amounts equal to or exceeding the M/WBE participation goals for this Contract, (ii) a completed Letter of Intent in the form provided by the Awarding Authority for each M/WBE listed in the Schedule for Participation, and (iii) a current SDO certification letter for each M/WBE listed in the Schedule of M/WBE Participation showing that the M/WBE is certified in the area of work for which it is listed on the Letter of Intent.

8.5 Each Letter of Intent shall identify and describe the work to be performed by the named M/WBE (the "M/WBE Work") with enough specificity to permit the Awarding Authority to identify the particular items of contract work that the M/WBE will perform for M/WBE participation credit. The Awarding Authority reserves the right to reject any Letter of Intent if the price to be paid for the M/WBE Work does not bear a reasonable relationship to the value of such work under the Contract as determined by the Awarding Authority.

8.6 Within five (5) working days after receipt of the Schedule for M/WBE Participation, Letters of Intent, and SDO certification letters, the Awarding Authority shall review and either approve or disapprove the apparent low Bidder's submissions. If the apparent low Bidder has not submitted an appropriate Schedule For M/WBE Participation and appropriate Letters of Intent and SDO certification letters establishing that the M/WBE participation goal for the relevant trade will be met, the apparent low Bidder will be considered ineligible for Award of the Contract and the Awarding Authority will Award the Contract to the second lowest Bidder, subject to said Bidder's compliance with these conditions.

8.7 The Bidder's attention is called to Article XIII of the General Conditions of the Contract which requires the Contractor to submit, within 30 days of the Contract Date, signed subcontracts with all subcontractors or a purchase order or invoice from each material supplier and/or manufacturer listed on the Schedule for M/WBE Participation.

8.8 If no MBE/WBE goals apply specifically to Trade Contractors on the Project and a Trade Contractor is itself an MBE/WBE or if the Trade Contractor intends to sub-subcontract work to a SDO certified M/WBE, the Trade Contractor should submit a Letter of Intent from that M/WBE with its Bid. A Trade Contractor can subcontract out up to 20% of its work to M/WBEs unless such work is designated as sub-sub contract Paragraph E work in the Bid Documents in which case the 20% cap does not apply.

SECTION 9 - CONTRACT AWARD

9.1 "Award" means the determination, selection, and notification of the lowest, responsible and eligible Bidder by the Awarding Authority and/or the CM at Risk.

9.2 Should the Contract Documents require submission of special data to accompany the Bid, the Awarding Authority reserves the right to rule the Bidder's failure to submit such data an informality and to receive said data subsequently within a reasonable time as set by the Awarding Authority, provided that no such ruling shall result in an unfair advantage to the Bidder.

9.3 The Awarding Authority also reserves the right to reject any Trade Contractor Bid if it determines that such Bid does not represent the Bid of a person competent to perform the work as specified, or if fewer than three Bids are received for a sub-trade and the Bid prices are not reasonable for acceptance without further competition.

SECTION 10 - EXECUTION OF CONTRACTS

10.1 If a selected Trade Contractor Bidder fails, within five days, Saturdays, Sundays and legal holidays excluded, after presentation of a Subcontract by the CM at Risk, to perform its agreement to execute a Subcontract in the form provided by the Awarding Authority with such CM at Risk and/ or fails to furnish performance and a payment bonds as required by law, such CM at Risk and the Awarding Authority shall select from the other Trade Contractor Bids duly filed with the Awarding Authority for such subtrade and not rejected the next lowest responsible and eligible Trade Contractor Bidder at the amount named in its Bid as so filed against whose standing and ability the Awarding Authority and CM at Risk make no objection.

10.2 Upon receipt of the Award, the Bidder awarded the Contract shall submit three (3) properly executed originals of each of the following documents prior to execution of the Contract by the CM at Risk. All such documents shall be in the form prescribed by the Awarding Authority. Note: The successful Bidder must submit its Schedule for Participation of Minority/Women Business Enterprises and Letters of Intent as set forth in Section 8.4 above prior to Award of the Contract if such participation is included in its scope of work.

- Trade Contractor Agreement with attachments
- Performance and Payment Bonds with power of attorney attached
- Certificate of Insurance evidencing coverage in amounts required by the Contract Documents
- Any other documents that the Awarding Authority or CM at Risk may reasonably require in connection with the Trade Contractor's execution of the Contract.

10.3 Please note that **no part of the Trade Contractor's work, other than work specifically identified as Paragraph E work in the Contract Documents and on the Bid Form or as permitted under Section 8 may be subcontracted and should be self performed by the Trade Contractor.** Approved subcontractors are eligible for direct payments under M.G.L. 30 § 39F, as amended. Material suppliers not involved in site labor need not be submitted for approval.

SECTION 11 - RETURN OF BID DEPOSITS

11.1 All Bid deposits of Bidders, except those of the three (3) lowest responsible and eligible Bidders, shall be returned within five (5) days, Saturdays, Sundays and legal holidays excluded, after the opening of the Bids. The Bid deposits of the three (3) lowest responsible and eligible Bidders shall be returned upon the execution and delivery of the CM at Risk - Trade Contractor Contract or, if no award is made, upon the expiration of the time prescribed in M.G.L. c. 149, § 44A for making an award; except that, if any Bidder fails to perform its agreement to execute the Contract and furnish Performance and Payment Bonds as stated in its Bid, then said Bidder's Bid deposit shall become the property of the Commonwealth as liquidated damages; provided that the amount of the Bid deposit that becomes the property of the Commonwealth shall not exceed the difference between the Trade Contractor's Bid price and the Bid price of the next lowest responsible and eligible Bidder; and provided further that, in the case of death, disability, bona fide clerical or mechanical error of a substantial nature, or other similar unforeseen circumstances affecting the general Bidder, such general Bidder's Bid deposit shall be returned.

11.2 In addition to the provisions for the return of Bid deposits as provided above, upon receipt of a Bid Bond in an amount not less than the amount of the required Bid deposit, the Awarding Authority shall return any Bid deposit of a Bidder forthwith after the public opening of Bids.

Exhibit A: Prevailing Wage Schedule

The minimum wage rates provided in the following pages have been provided by the Department of Labor Standards of the Massachusetts Department of Labor and Workforce Development. The Awarding Authority is not responsible for errors or omissions in such wage rates.

M.G.L. c. 149, §§ 26 and 27 provide as follows:

"... Payments by employers to health and welfare plans, pension plans and supplementary unemployment benefit plans under collective bargaining agreements or understandings between organized labor and employers shall be included for the purpose of establishing minimum wage rates as herein provided.

... The aforesaid rates of wages in the schedule of wage rates shall include payments by employers to health and welfare plans, pension plans and supplementary unemployment benefit plans as provided in said section twenty-six, and such payments shall be considered as payments to persons under this section performing work as herein provided. Any employer engaged in the construction of such works, who does not make payments to a health and welfare plan, a pension plan and a supplementary unemployment benefit plan, where such payments are included in said rates of wages, shall pay the amount of said payments directly to each employee engaged in said construction."

Mass General Laws c. 149, §27, as amended on August 8, 2008 requires annual updates to prevailing wage schedules for all public construction projects lasting longer than one year. The Contractor is required to obtain the wage schedules from awarding authorities, and to pay no less than these rates to covered workers. The Contractor and all Subcontractors are required to anticipate such annual updated prevailing wage schedules and neither the Contractor nor any Subcontractors shall be entitled to claim additional compensation for base contract work due to updated prevailing wage schedule.

The minimum wage rates issued by the Department of Labor Standards for this and all other projects are project specific and the rates provided in this bid package and those provided as annual updates for this project will govern the prevailing wages for this project. For general informational purposes contractors and subcontractors may obtain sample current prevailing wage rates for different locations in Massachusetts by accessing the DLS website at www.mass.gov/dols/pw and requesting an “example” copy of a prevailing wage schedule.

Exhibit B: Sub-bidder Update Statement
(blank form)

SAMPLE

Exhibit C: Sample Sub-bidder Certificate of
Eligibility

SAMPLE

Exhibit D: List of Prequalified Trade Contractors
for Trades Currently being Bid

SAMPLE

Exhibit E: Project Schedule for Relevant Trade
Scopes

SAMPLE

Exhibit F: Schedule of Participation by
Minority/Women Business Enterprises
for Trade Subcontract Packages on
Construction Manager Projects

SAMPLE

**SCHEDULE FOR PARTICIPATION BY MINORITY/WOMEN BUSINESS
ENTERPRISES for TRADE SUBCONTRACT PACKAGES on CONSTRUCTION
MANAGER PROJECTS - DIVISION OF CAPITAL ASSET MANAGEMENT**

DCAMM Project Number: _____ Project Location: _____

Project Name: _____ Construction Manager: _____

Bid Package Name/No.: _____ Bidder/Subcontractor: _____

- A. The Apparent Low Bidder must within seven (7) working days of the opening of the Trade Contractor Bids submit a completed Schedule for Participation listing each and every MBE/WBE firm they will utilize with the scope of work and dollar value commitment for each firm and their overall MBE/WBE dollar value commitments. This form must be accompanied by a Completed **LETTER of INTENT** for each firm listed, signed by both the bidder/subcontractor and the MBE or WBE firm and a copy of the MBE/WBE's current **Supplier Diversity Office (SDO) CERTIFICATION LETTER**.
- B. Trade Subcontractor must submit their completed Schedule for Participation, Letters of Intent and SDO Certification Letters to the DCAM Compliance Office and the Construction Management Firm within time set forth above. See Section 8 of the Request for Bids from Prequalified Trade Contractors.

CERTIFICATION:

The Bidder agrees that if awarded the contract it will expend at least the amount of the contract set forth below for MBE/WBE participation, but not less than the percentages set forth in the DCAM CM at Risk Trade Contractor Request for Bids. For purposes of this commitment, the MBE and WBE designation means that a business has been certified by SDO as a MBE, WBE or M/WBE. See Article XIII and Appendix B of the General Conditions of the Contract between DCAM and the Construction Manager for MBE/WBE rules and requirements for the project as modified by the MBE and WBE participation percentages in the bid package. The Bidder must indicate the MBE/WBE firms it intends to utilize on the project as follows (attach additional sheets if necessary):

Company Name & Address	MBE, or WBE	Describe MBE/WBE Scopes of Work (clarify "Labor Only", "Material Only" or "Labor and Material")	If Supplier, Indicate Total Value of Supplies (10% of total counts toward Participation)	Total Dollar Value of Participation
1.				
2.				
3.				
4.				

MBE Goal: \$ _____

Total Dollar Value of MBE Commitment: \$ _____

WBE Goal: \$ _____

Total Dollar Value of WBE Commitment: \$ _____

The undersigned hereby certifies that he/she has read the terms and conditions of the contract with regard to MBE/WBE participation and is authorized to bind the undersigned firm to the commitment set forth above.

Bidder Name: _____ Authorized Signature _____

Business Address: _____ Print Name: _____

_____ Title: _____

Telephone No.: _____ Fax No.: _____ Date: _____

*****Important information for Bidders*****

ADDENDUM HISTORY SCHEDULE

MASSACHUSETTS STATE PROJECT

[Insert Project No.]

[Insert Project Name]

Request for Bids for Section(s): _____

Contract Documents Titled: _____

Contract Documents Dated: _____

Listed below are those Addenda already Incorporated into the current Contract Documents dated as set forth above.

Addendum #	Addendum Dated

On Bid Forms submitted for this Project Bidders must acknowledge any and all addenda numbered and/or dated later than the last noted in the table above. Failure to do so will result in rejection of the bid.

Part Two: To be Completed and Submitted by Trade Contractor

DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE

One Ashburton Place, 1st Floor, Room 107, Bid Room

Boston, MA 02108

Telephone: (617) 727-4003



TRADE CONTRACTOR FORM OF BID- M.G.L. c. 149A as amended

Massachusetts State Project: _____

Project Name: _____

Trade Contractor Category of Work	
Trade Contractor Name:	
Trade Contractor Mailing Address:	
Trade Contractor Street Address:	
Telephone Number:	
Email Address:	
Contact Person/Title:	
Trade Contractor Acknowledges Addenda Nos. (insert all numbers)	

Note: If Respondent Trade Contractor is "SDO Certified" as a MBE/WBE/MWBE, please indicate which below and attach letter from the Massachusetts Supplier Diversity Office (SDO) evidencing such certification.

MBE ☐

WBE ☐

M/WBE ☐

***** **IMPORTANT NOTICE** *****

Interested Prequalified TRADE CONTRACTORS must indicate in the table below the trade for which it is submitting THIS bid and MUST submit SEPARATE individual bids for each and every other trade in which it was prequalified and submits a bid for this Project.

***** **IMPORTANT NOTICE** *****

Mark "X" Beside The Trade Being Bid	Section #	Trade Category
<input type="checkbox"/>	040001	Masonry
<input type="checkbox"/>	050001	Miscellaneous and Ornamental Iron
<input type="checkbox"/>	070001	Waterproofing, Dampproofing and Caulking
<input type="checkbox"/>	070002	Roofing and Flashing
<input type="checkbox"/>	080001	Metal Windows
<input type="checkbox"/>	080002	Glass and Glazing
<input type="checkbox"/>	090001	Lathing and Plastering
<input type="checkbox"/>	090002	Tile
<input type="checkbox"/>	090003	Acoustical Tile
<input type="checkbox"/>	090004	Marble
<input type="checkbox"/>	090005	Resilient Floors
<input type="checkbox"/>	090006	Terrazzo
<input type="checkbox"/>	090007	Painting
<input type="checkbox"/>	140001	Elevators
<input type="checkbox"/>	210001	Fire Protection Sprinkler System
<input type="checkbox"/>	220001	Plumbing
<input type="checkbox"/>	230001	Heating, Ventilation & Air-Conditioning
<input type="checkbox"/>	260001	Electrical
<input type="checkbox"/>	(Sec. #)	Other Designated Trade Categories (if any)

The following must be attached to or inserted into this Trade Contractor Bid:

1. Current Sub-Bidder Certificate of Eligibility issued by the Division of Capital Asset Management and Maintenance showing the Bidder is certified in the category of work for which this Trade Bid is submitted.
2. Completed Sub-Bidder Update Statement. NOTE: All information and the documents called for in the update statement must be supplied. All information provided must be complete and accurate. A defect or omission in the Update Statement may result in the rejection of the Bid.
3. Bid deposit meeting the requirements of these Instructions to Bidders.

To the Construction Manager on this CM at Risk Project:

- A. The undersigned prequalified Trade Contractor (also referred to as sub-bidder) proposes to furnish all labor and materials required for completing, in accordance with the hereinafter described Plans, Specifications and addenda, all the work specified in Section No. _____ of the Specifications and in any Plans specified in such section, prepared by

_____ for _____,
(designer) (project number)

_____ (project name)

in _____, Massachusetts, for the Contract sum of
(city/town)

_____ dollars

(\$ _____).

- B. For Alternate No. 1: Add \$ _____ Subtract \$ _____
For Alternate No. 2: Add \$ _____ Subtract \$ _____
For Alternate No. 3: Add \$ _____ Subtract \$ _____
For Alternate No. 4: Add \$ _____ Subtract \$ _____

- C. IMPORTANT INFORMATION:** Because this is a CM at Risk Project **All Trade Contractors must include in their Bid price the cost of their providing payment and performance bonds in the full amount of their Bid, including all alternates.** All Trade Contractors awarded contracts on this Project are required by law to provide full payment and performance bonds at their own expense.

- D. The undersigned agrees that, if it is selected as a Trade Contractor, it will, within ten days, Saturdays, Sundays, and legal holidays excluded, after presentation of a subcontract by the

Construction Manager selected as the CM at Risk, execute with such Construction Manager a subcontract in accordance with the terms of this Trade Contractor Bid Packet, and contingent upon the execution of the general contract, and recognizes that it, the Trade Contractor, is required to furnish a performance and payment bond and the Trade Contractor is required to pay the premiums therefore. Payment and Performance Bonds must be issued by a surety company qualified to do business under the laws of the Commonwealth and satisfactory to the awarding authority in the full sum of the subcontract price.

- E. The names of all persons, firms and corporations furnishing to the undersigned labor or labor and materials for the class or classes or part thereof of work for which the provisions of the section of the Specifications for this sub-trade require a listing in this paragraph, including the undersigned if customarily furnished by persons on his own payroll, and in the absence of a contrary provision in the Specifications, the name of each such class of work or part thereto and the bid price for such class of work or part thereof are:

NAME	CLASS OF WORK	BID PRICE (\$)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Do not give bid price for any class or part thereof furnished the undersigned).

By submission of this Bid the Trade Contractor certifies that it has prequalified each of the sub-trade subcontractors listed above using criteria similar to the criteria for the prequalification of Trade Contractors.

- F. The undersigned agrees that the above list of bids to the undersigned represents bona fide bids based on the hereinbefore described Plans, Specifications and addenda and that, if the undersigned is awarded the contract, they will be used for the work indicated at the amounts stated, if satisfactory to the awarding authority.
- G. The undersigned further agrees to be bound to the Construction Manager by the terms of the hereinbefore described Plans, Specifications, including all general conditions stated therein, and addenda, and to assume toward the Construction Manager all the obligations and responsibilities that the Construction Manager, by those documents, assumes toward the Commonwealth.
- H. The undersigned offers the following information as evidence of its qualifications to perform the work as bid upon according to all the requirements of the Plans and specification:
1. Have been in business under present business name _____ years.
 2. Ever failed to complete any work awarded? _____.

CERTIFICATIONS

The undersigned hereby certifies that the Trade Contractor will perform the complete trade contract work with employees on its own payroll, except for work listed and identified in Paragraph E above or designated as DCAMM approved MBE/WBE work.

The undersigned further certifies that it shall comply with the prevailing wage law set forth in M.G.L. c. 149, §§26 & 27 and pay wages no less than those set forth in the wage rate tables for the Project. The undersigned further certifies that it is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work; that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and that it will comply fully with all laws and regulations applicable to awards of subcontracts subject to Chapter 149A of the General Laws.

The undersigned further certifies under penalties of perjury that this Trade Bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this subsection the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity. The undersigned also certifies that he or she (or, if he or she is the authorized representative of a company, the company) is the only person interested in this Bid; that it is made without any connection with any other person making any submission for the same work; that no person acting for, or employed by, the Commonwealth of Massachusetts is directly or indirectly interested in this Bid or any subsequent proposal, or in any contract which may be made under it, or in expected profits to arise therefrom; that the undersigned Bidder has not influenced or attempted to influence any other person or corporation to file a Bid or subsequent proposal or to refrain from doing so or to influence the terms of the Bid or any subsequent proposal of any other person or corporation; and that this submission is made in good faith without collusion or connection with any other person applying for the same work.

The undersigned certifies that if awarded this work it shall comply with all federal and state laws, rules and regulations promoting fair employment practices or prohibiting employment discrimination and unfair labor practices and shall not discriminate in the hiring of any applicant for employment nor shall any qualified employee be demoted, discharged or otherwise subject to discrimination in the tenure, position, promotional opportunities, wages, benefits or terms and conditions of their employment because of race, color, national origin, ancestry, age, sex, religion, disability, handicap, sexual orientation or for exercising any rights afforded by law. The undersigned commits to purchasing supplies and services from certified minority or women-owned businesses, small businesses or businesses owned by socially or economically disadvantaged persons or persons with disabilities.

The undersigned certifies that if awarded this work it shall not knowingly use undocumented workers in connection with the performance of Contracts; that, pursuant to federal requirements, they shall verify the immigration status of all workers assigned to

Contract without engaging in unlawful discrimination; and that they shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker. The Contractor understands and agrees that it must submit documentation of compliance with this requirement as required by DCAMM and that any breach of any of these terms during the period of a Contract may be regarded as a material breach, subjecting Contractor to sanctions, including but not limited to monetary penalties, withholding of payments, contract suspension or termination.

The undersigned further certifies pursuant to M.G.L. c. 62C, §49A, M.G.L. c. 149A, §8(g) 10, and M.G.L. c. 151A, § 19A, I, that Bidder has filed all state tax returns and paid all taxes as required by law and has complied with all state laws pertaining to contributions to the unemployment compensation fund and to payments in lieu of contributions.

The undersigned further certifies under penalties of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth under the provisions of section twenty-nine F of chapter twenty-nine or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated thereunder. The undersigned further certifies under pain and penalties of perjury that it is not presently debarred by the federal government from doing public work under any applicable federal law

- a. **Acknowledgement of Addenda.** By signing below, the interested Trade Contractor **acknowledges receipt of the addenda** listed by Trade Contractor on page 1 of this Trade Contractor Bid Form.
- b. **Authorization to Sign:** *This form must be signed by an officer of the firm or an individual so authorized by an officer of the firm who has personal knowledge regarding the information contained herein.*

.SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY:

Signature: _____

(Signature of Authorized Representative)

Print Name: _____

Title: _____

Firm Name: _____

Date: _____

Project Number: _____

Project Name: _____

- **ATTACHMENT A - BID BOND:** Trade Contractors **MUST ATTACH** to its Trade Contractor Bid a valid Bid Bond equal to 5% of the total bid price including all alternates. Failure to submit such Bid Bond will result in rejection of the bid.
- **ATTACHMENT B - CERTIFICATE OF ELIGIBILITY:** Trade Contractors **MUST ATTACH** to its Trade Contractor Bid a valid Sub-bidder Certificate of Eligibility (issued by DCAMM) for each Trade in which it submits a bid. Failure to attach a valid Certificate of Eligibility will result in rejection of the bid.
- **ATTACHMENT C - UPDATE STATEMENT: (Required as of January 1, 2006)** Trade Contractors **MUST ATTACH** to its Trade Contractor Bid a current and completed Sub-bidder Update Statement for each Trade in which they submit a bid. Failure to submit such Update Statement will result in rejection of the bid.